

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 11306 of 2011 (K)

PETITIONER(S):

**OMANA KUNJU, W/O.KUNJU,
PART-TIME SWEEPER,
NELLIKKUZHI PANCHAYAT OFFICE,
NELLIKKUZHI P.O., KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICT, PIN-686 691, RESIDING AT
MOROTTIKKUDI, NELLIKKUZHI P.O., ERNAKULAM DISTRICT.**

**BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENTS,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR, DIRECTORATE OF PANCHAYAT,
THIRUVANANTHAPURAM-695 001.**
- 3. THE DEPUTY DIRECTOR OF PANCHAYAT,
ERNAKULAM-682 030.**
- 4. NELLIKKUZHI GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY, NELLIKKUZHY P.O.
KOTHAMANGALM TALUK, ERNAKULAM DISTRICT, PIN-686 691.**
- 5. THE SECRETARY, NELLIKKUZHI GRAMA PANCHAYAT,
NELLIKKUZHI P.O., KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICT, PIN-686 691.**

**R-5 BY ADVS. SRI.N.N.ELAYATH
SRI.PAULSON THOMAS**

R1 TO R4 BY SENIOR GOVT. PLEADER SMT.SUNITHA VINOD

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 11306 of 2011 (K)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 : TRUE COPY OF THE GO(P)NO.501/2005/FIN. DATED 25.11.2005.

EXHIBIT P2 : TRUE COPY OF THE LETTER NO.6438/H2/06/LSGD DATED 8.5.2006.

EXHIBIT P3 : TRUE COPY OF THE CIRCULAR DATED 16.1.2006.

EXHIBIT P4 : TRUE COPY OF THE JUDGMENT DATED 26.6.2009 IN W.P.(C)NO.36573 OF 2008.

EXHIBIT P5 : TRUE COPY OF THE G.O(RT)NO.1566/10/LSGD DATED 10.5.2010.

EXHIBIT P6 : TRUE COPY OF THE G.O(RT)NO.3238/10/LSGD DATED 11.10.2010.

EXHIBIT P7: TRUE COPY OF THE JUDGMENT DATED 14.1.2009 IN W.P.(C)NO.1416/2008 OF THIS HON'BLE COURT.

EXHIBIT P8 : TRUE COPY OF THE CERTIFICATE DATED 5.2.2012.

EXHIBIT P9 : TRUE COPY OF THE CERTIFICATE DATED 5.2.2012 ALONG WITH THE SWEEPING AREA CALCULATION AND THE SKETCH OF THE NELLIKUZH GRAMA PANCHAYAT.

RESPONDENT'S EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.11306 of 2011

Dated this the 12th day of March, 2015

JUDGMENT

The petitioner is presently working as part-time Sweeper in the office of the Nellikuzhi Grama Panachayath on fixed wage at the rate of Rs.60/- per day from 1.1.2001 onwards. It is seen from Ext.P9 that the sweeping area is above 595.03 square metres. This has been certified by the Assistant Executive Engineer. Therefore, the petitioner submits that she is entitled for regularization in terms of Ext.P1 Government Order. The petitioner, in fact, approached this Court apprehending termination.

2. However, in the counter affidavit, it is stated that the apprehension of the petitioner is misconceived and the Panchayath has not taken any steps to terminate the service of the petitioner. It is also admitted that there is no

sanctioned posts of part-time Sweeper in Nellikkuzhy Grama Panchayath.

In view of the above, there shall be a direction to the 5th respondent to forward the proposal along with Ext.P9 within a period of one month. Thereafter, the first respondent shall take a decision in the light of the Government Order produced as Ext.P1 for sanctioning the post of part-time Sweeper in the Nellikkuzhy Grama Panchayath and also to regularise the petitioner. Needful shall be done within a period of three months from the date of receipt of a copy of this judgment. Any admissible arrears of salary shall also be paid to the petitioner.

The writ petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE

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